

### Remarks

In the Office Action dated May 21, 2003, the Examiner rejected claims 12 and 24 under 35 U.S.C. § 112, first paragraph, rejected claim 38 under 35 U.S.C. § 112, second paragraph, rejected claims 1, 9-11, 13, 15-16, 18-23, 25-38, 40-41 and 45 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,377,695 to Azima, et al. (hereinafter Azima '695) in view of U.S. Patent No. 5,754,664 to Clark (hereinafter Clark), rejected claims 2-4, 14, 17 and 43 under 35 U.S.C. § 103 as being unpatentable over Azima '695 as modified by Clark and further in view of U.S. Patent No. 5,887,071 to House, rejected claims 5-8 under 35 U.S.C. § 103 as being unpatentable over Azima '695 as modified by Clark and further in view of U.S. Patent No. 4,385,210 to Marquiss, rejected claim 39 under 35 U.S.C. § 103 as being unpatentable over Azima '695 as modified by Clark and further in view of U.S. Patent No. 5,450,057 to Watanabe, and rejected claims 12, 24, 42 and 44 under 35 U.S.C. § 103 as being unpatentable over Azima '695 as modified by Clark and further in view of U.S. Patent No. 6,332,029 to Azima (hereinafter Azima '029). Claims 46-61 are withdrawn. By this Amendment, Applicants' attorney amends the specification, and claims 1 and 38.

With respect to the Examiner's rejections, the Examiner is requested to consider the following remarks.

The specification has been amended to provide the limitations of claims 12 and 24. Support for the amendment to claim 1 can be found, for example, in the specification on page 19, ll. 12-29. Claim 38 has been amended for consistency. As such, no new matter has been added.

Regarding the Examiner's reliance on Azima '695, Applicants respectfully contend that Azima is not a proper prior art reference. Azima '695 issued from a continuation of an international application (Azima '695, front page, item 63). Therefore, the Feb. 10, 2000 U.S. filing date of Azima '695 (Azima '695, front page, item 22) is the effective date as a reference for 102(e)/103 purposes. (MPEP § 2136.03). Applicants' claimed priority date

of August 25, 1999 predates the effective filing date of Azima '695. As such, Azima '695 is not a proper prior art reference for 102(e)/103 purposes.

In any case, claim 1 provides a headliner having an array of electromagnetic transducer assemblies supported at the upper surface of the headliner that convert processed audio signals into mechanical motion of corresponding zones of the headliner wherein the headliner is made of a material which is sufficiently stiff and low in density so that the headliner radiates acoustic power into the interior of a vehicle as a single speaker. The combination of Azima '695 and Clark urged by the Examiner fails to provide the claimed features of the present invention and the rejection should be withdrawn.

In particular, Azima '695 is directed to a trim panel (e.g., roof lining) that comprises an integral acoustic radiator. (Azima '695, Abstract). The radiator resonates to produce an acoustical output. (Azima '695, Abstract). As such, Azima '695 fails to provide a headliner that radiates acoustic power into the interior of a vehicle as a single speaker.

Clark was well known and fully considered by the Applicants. (See, the specification on page 1, l. 27 through page 2, l. 5). The Examiner contends that Clark teaches a headliner that radiates acoustic power into the interior of a vehicle. However, the Examiner has mis-characterized Clark. Clark provides overhead speakers that are mounted directly to a headliner. (Clark, Abstract). The speakers (i.e., not the headliner as asserted by the Examiner) provide strong front staging and desired surrounding ambience responsive to the output signals of a control circuit. (Clark, Abstract). As such, Clark fails to cure the deficiencies of Azima '695. Therefore, Azima '695 and Clark, alone or in combination, fail to provide the claimed features of the present invention and the rejection should be withdrawn.

Furthermore, the Examiner has failed to make a *prima facie* case of obviousness as is required under 35 U.S.C. § 103. In particular, the Examiner has failed to provide any motivation to combine Azima '695 and Clark. Azima '695 is an attempt to move away from the use of "conventional pistonic loudspeakers" that "use large magnets driving cone

diaphragms" (Azima '695, col. 1, lines 14-18). While Clark teaches the use of conventional pistonic loudspeakers. (Clark, col. 4, lines 34-44). The combination of Azima '695 with Clark would therefore render Azima '695 unsatisfactory for its intended purpose. ("If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." MPEP § 2143.01). As such, the Examiner has failed to establish a *prima facie* case of obviousness and the rejection should be withdrawn.

Regarding the claims which depend from claim 1, Applicants contend that these claims are patentable for at least the same reasons that claim 1 is patentable. Moreover, Applicants contend that these claims recite further limitations, in addition to the limitations of claim 1, which render these claims additionally patentable.

Consequently, in view of these remarks, Applicants respectfully contend that the rejections have been fully replied to and traversed, and that the application is in condition for allowance, and the Examiner is respectfully requested to pass this case to issue. No fee is believed to be due for the filing of this paper. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

The Examiner is requested to telephone the undersigned to discuss prompt resolution of any remaining issues necessary to place this case in condition for allowance.

Respectfully submitted,  
**PAWEL W. SLEBODA, et al.**

By   
Thomas W. Saur  
Reg. No. 45,075  
Attorney for Applicants

Date: August 21, 2003

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351